

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL R. MCCUE,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of  
Social Security,

Defendant.

CASE NO. C05-5241FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, the remaining record, and there being no objections to the report and recommendation, does hereby find and ORDER:

- (1) the Court adopts the Report and Recommendation;
- (2) the ALJ erred in his decision as described in the report;
- (3) the matter is therefore REVERSED and remanded to the Commissioner for further administrative proceedings; and
- (4) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge Karen L. Strombom.

DATED this 17<sup>th</sup> day of January 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE